

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

ANY AND ALL ASSETS HELD IN ACCOUNT
NUMBERS 102162418400, 102162418260, AND
102162419780 AT BANK OF NEW YORK MELLON
SA/NV, BRUSSELS, BELGIUM, ON BEHALF OF
FIRST GLOBAL INVESTMENTS SPC LIMITED'S
"AAA RATED FIXED INCOME OF DEVELOPED
ECONOMIES SEGREGATED PORTFOLIO," FUND
ID AAARATEDFIX01, GENERAL ACCOUNT
NUMBER 216241, AND ANY PROPERTY
TRACEABLE THERETO, et al.

Defendants *in rem*.

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DECLARATION IN SUPPORT OF DEFAULT JUDGMENT

MARIE M. DALTON, pursuant to Title 28, United States Code, Section 1746, declares
under penalty of perjury as follows:

1. I am a Trial Attorney with the United States Department of Justice, Asset
Forfeiture and Money Laundering Section, attorney for plaintiff herein. I am one of the
attorneys who have responsibility for the above-captioned matter and, as such, I am familiar with
the facts and circumstances set forth herein. This declaration is submitted in support of
plaintiff's request for a default judgment as to the Defendants *in rem* (the "Defendant Property")
in the above-captioned case.

2. This action seeks forfeiture of any and all assets held in accounts at Bank of New
York Mellon SA/NV, Bank of New York Mellon Investment Servicing (International) Limited,

Bank of New York Mellon Trust Co. (Ireland) Limited, and Clearstream Banking S.A. The United States commenced this action on June 29, 2015, by filing a verified complaint for forfeiture *in rem* (the “Verified Complaint”), initiating the above-captioned action and alleging that the Defendant Property should be forfeited to the United States of America pursuant to 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C). A copy of the Verified Complaint is attached hereto as **Exhibit A** and is fully incorporated by reference herein.

3. Beginning on July 1, 2015, notice of the pendency of this case was posted on an official government internet site (www.forfeiture.gov) pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims for thirty (30) consecutive days. Proof of such publication was filed with the Clerk of Court on October 30, 2015. A copy of the proof of publication is attached hereto as **Exhibit B**.

4. Pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, a Notice of Complaint for Forfeiture, a copy of the Verified Complaint, and other pertinent documents (the “Notice Packet”) were sent by Federal Express and delivered to the following addresses.

Addressee	Address	Date Delivered	Claim Deadline Listed in Notice Packet
Bekhzod Akhmedov	C/O: Ola Salomonsson Kungsholms Torg 16, 4tr 112 21 Stockholm, Sweden	7/17/15 ¹	8/18/15
Bekhzod Akhmedov	Shayhontohurskiy District, 13 “A” A. Rahmat Street Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Alisher Ergashev	Ulitsa Bakht, Dom 10, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Alisher Ergashev	C/O: Gunnar Falk Advokatfirman Falk, Sjöberg & Partners AB Box 3206 103 64 Stockholm	7/20/15 ¹	8/18/15

Addressee	Address	Date Delivered	Claim Deadline Listed in Notice Packet
Alisher Ergashev	s/s Matkabulova Bakht, 10 Kibraysky Rayon, Tashkentskaya Oblast, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Alisher Ergashev	Ul. Baht, S/S Matkabulova, Kibray 10, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Alisher Ergashev	10 Bakht Street, Kilbray, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Expoline Limited	48 Queen Anne Street, London, UK, W1G9JJ	7/2/15	8/25/15
First Global Investments	DMS Corporate Services, P.O. Box 1344, Ansbacher House, 20 Genesis Close, George Town, Grand Cayman KYI-1108, Cayman Islands	7/1/15	8/25/15
Gayane Avakyan	C/O: Tomas Rothpfeffer Sju Advokater KB Box 22016 104 22 Stockholm, Sweden	7/20/15 ¹	8/18/15
Gayane Avakyan	C-2, M. Ulukbekskiy R-N 12-16, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Gayane Avakyan	25 Street Kunaeva, Tashkent, Uzbekistan 700015	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Gayane Avakyan	Apt. 16, 12 District C2, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Gulnara Karimova	Gogolya Ultisa 77A, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Gulnara Karimova	Ya Gulyamova Street 77, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Gulnara Karimova	Yahyo Gulyamova Str. 77a, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15

Addressee	Address	Date Delivered	Claim Deadline Listed in Notice Packet
Rustam Madumarov	Yunusabadskiy District, m. 28 Ynus-Abad-11, apt. 6 Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Rustam Madumarov	Of. Apt. 6. 28 District 11, Unus-Abat, Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Rustam Madumarov	Apartment 6, House 28, Block 11, Yunusabad District, Tashkent City, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Shokrukh Sabirov	6 Abdurashidova Street, Yunusabad District, Tashkent City, Uzbekistan	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Shokrukh Sabirov	Parda Tursun Ulitsa, Dom 19 Tashkent, Uzbekistan 100105	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15
Swisdorn Limited	Form-a-Co (Gibraltar) Ltd. P.O. Box 563 Suites 41/42, Victoria House, 26 Main Street, Gibraltar	8/27/15	9/22/15
Takilant Limited	Form-a-Co (Gibraltar) Ltd. P.O. Box 563 Suites 41/42, Victoria House, 26 Main Street, Gibraltar	8/27/15	9/22/15
Takilant Limited	C/O: Tomas Rothpfeffer Sju Advokater KB Box 22016 104 22 Stockholm, Sweden	7/20/15 ¹	8/18/15
Takilant Limited	Mirabadskiy R-N, Uz Kunaev, A 25 Tashkent, Uzbekistan	7/6/15 ²	8/25/15
		7/24/15 ³	8/19/15
Takilant Limited	25 Kunaev Street, Dom Stilya, Tashkent, Uzbekistan 100015	7/6/15 ²	8/25/15
		7/23/15 ³	8/19/15

¹ Notice Packet provided in English and Swedish.² Notice Packet provided in English with Notice Letter also translated into Uzbek.³ Notice Packet provided in Russian.

A copy of the delivery confirmation for the Notice Packets are attached hereto as **Exhibit**

C.

5. Additionally, Notice Packets were sent by Federal Express to the following addresses but the recipient refused to accept delivery:

Addressee	Address	Date Refused
Expoline Limited	Suite 701, Tung Hip Commercial Building, 244-248 Des Voeux Road Central, Hong Kong	7/3/15
Expoline Limited	Suite 18B, 148 Connaught Road, Central, Hong Kong	7/8/15
Expoline Limited	10/F Baskerville House, 13 Duddel Street Central, Hong Kong	7/6/15
Shokrukh Sabirov	148 Connaught Road, Central, Hong Kong	7/8/15

A copy of the delivery exceptions for the Notice Packets are annexed hereto as **Exhibit**

D. As explained in paragraph 6, Notice Packets were delivered to this individual and entity at alternative addresses.

6. The United States also sought the assistance of the Government of Switzerland, pursuant to the 1973 U.S.-Swiss Confederation Mutual Legal Assistance Treaty, requesting that the Swiss authorities provide notice to any attorneys located in Switzerland who may have been appointed to represent Gulnara Karimova, Rustam Madumarov, Alisher Ergashev, Shokrukh Sabirov, Gayane Avakyan, Swisdorn Limited, Takilant Limited or Expoline Limited in conjunction with Swiss criminal proceedings. The United States requested that Switzerland deliver Notice Packets to the Swiss attorneys appointed to represent the potential claimants. After being contacted by the Swiss authorities, the Swiss attorneys refused to accept the Notice

Packets sent by the United States.¹ An affidavit discussing the efforts made to notify the potential claimants' Swiss attorneys is annexed hereto as **Exhibit E**.

7. No person or entity has filed either a claim or an answer to the Verified Complaint, or has otherwise appeared or answered in this regard, and the time to do so has expired. Pursuant to Supplemental Rule G(5)(a) & (b), any claimant to the Defendant Property was required to file a claim no later than 35 days after the date of notice, the date identified in the notice letter, or 60 days after the first publication of notice on the official government website. Those time periods expired by September 22, 2015, and no extensions of these time limits have been consented to by the United States or granted by this Court.

8. The foregoing are the only persons or entities known by the government to have a potential interest in the Defendant Property.

9. Upon information and belief, no person or entity thought to have an interest in the Defendant Property is an infant, incompetent, or presently engaged in military service.

10. Warrants of arrest *in rem* were duly executed on the Defendant Property located in Ireland and Luxembourg and named for forfeiture in this action, on the following dates:

- a. Bank of New York Mellon Investment Servicing (International) Limited,
Ireland: August 27, 2015
- b. Bank of New York Mellon Trust Co. (Ireland) Limited, Ireland: August 27,
2015
- c. Clearstream Banking S.A., Luxembourg: August 28, 2015

¹ As set forth in paragraph 4 (above), Notice Packets were also sent to addresses for each of these individuals, entities, and/or their legal representatives in Sweden.

Exhibit F, attached hereto, contains copies of the official certifications from these jurisdictions evidencing delivery of the warrants of arrest *in rem* to these custodians.

11. The United States also sought and obtained the assistance of the Government of Belgium, which seized the Defendant Property located in Belgium in May 2014 and has maintained custody of the assets on behalf of the United States. **Exhibit G**, attached hereto, contains documents evidencing the seizure of the Defendant Property in Belgium.

12. Accordingly, the government requests that the Court enter the proposed Default Judgment.

13. A Clerk's Certification is attached hereto as **Exhibit H**.

14. No previous application for the relief request herein has been made.

Dated: November 16, 2015

Respectfully submitted,

M. KENDALL DAY, CHIEF
ASSET FORFEITURE AND MONEY
LAUNDERING SECTION

By: /s/ Marie Dalton
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